



Czech Republic

Country Reports on Human Rights Practices - [2002](#)

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The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following elections in June, Prime Minister Vladimir Spidla's left-of-center Social Democrat Party joined forces with the centrist Christian Democrat and center-right Freedom Union parties to form a coalition government that placed the right-of-center Civic Democrat Party and the Communists in opposition. Spidla's coalition held a one-seat majority in Parliament. President Vaclav Havel, in his second 5-year term, had been in office since 1993. The Constitution provides for an independent judiciary, but the judiciary was somewhat hampered by structural and procedural deficiencies and a lack of resources.

The Ministry of the Interior oversaw the police. The civilian internal security service, known as the Security and Information Service (BIS), reported to the Parliament and the Prime Minister's office through the Foreign Minister, who was a Deputy Prime Minister. Police and BIS authorities generally observed constitutional and legal protection of individual rights in carrying out their responsibilities. However, some members of the police committed some human rights abuses.

The economy was market-based, with over 80 percent of the gross domestic product (GDP) produced by the private sector. The country's population was approximately 10.3 million. The economy grew by approximately 2 percent during the first half of the year. Inflation decreased to 2 percent, while unemployment increased to 10 percent. The workforce was employed primarily in industry, retail trade, and construction.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provided effective means of dealing with individual instances of abuse. Occasional police violence and use of excessive force remained a problem. Long delays in trials were a problem, due to structural and procedural deficiencies as well as a lack of resources for the judicial system. There were some limits on freedom of association for groups that promoted racial hatred and intolerance. There was some violence and discrimination against women. Violence against children remained a problem. Discrimination and occasional skinhead violence against Roma remained problems. There were reports that employers attempted to prevent the formation of collective bargaining agreements. Trafficking in women and children was a problem. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. The Czech Republic was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Investigations continued in unresolved cases from previous years, including the 1967 killing of Charles Jordan, in which involvement of the Czechoslovak state security service was suspected.

b. Disappearances

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were reports that police occasionally used excessive force.

In April 2001, a police officer in Ostrava was charged with assaulting a suspect during questioning; the officer was not suspended, and remained on the force pending the outcome of the case, which was ongoing at year's end.

On March 1, five police officers were suspended and formally charged with racially-motivated violence and abuse of power in the 2001 beating of a Rom in Karlovy Vary; the five were awaiting trial at year's end. At times individual police officers reportedly failed to take sufficient action in cases of threats or attacks against Roma. However, in general, the police continued to treat such incidents in a more serious and professional manner than in the past (see Section 5).

A lawsuit filed by a protestor after the September 2000 protests against the International Monetary Fund and the World Bank alleged that police had beaten and otherwise mistreated him during his detention remained pending at year's end.

The Office for the Documentation and Investigation of the Crimes of Communism (UDV) continued to investigate cases of torture and misconduct from the Communist era (see Section 1.e.). The case of two former secret police officers accused of torturing dissident Vladimir Hucin remained under investigation at year's end.

Skinhead violence against Roma and other minorities remained a problem (see Section 5).

Prison conditions generally met international standards. There was overcrowding in many prisons; however, overcrowding declined during the year. By mid-year the prison system was at 93 percent of capacity, with the total number of prisoners at 16,512. The ratio of prisoners to prison guards was approximately three to one. Women and men were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. Attorney and family visits were permitted. The authorities followed these guidelines in practice.

On October 1, a new facility allowing female prisoners to care for their infants while incarcerated was opened within the Svetla nad Sazavou prison. The unit accommodates 15 prisoners and their three-year-old and younger children. In exceptional cases, female prisoners were also allowed to care for their 4 and 5-year-old children at the facility.

The Government permits visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Lengthy pre-trial detention and long delays in trials were problems. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The law does not allow bail for certain serious crimes. Under the law, pretrial detention may last no longer than 4 years and then only for cases considered "exceptionally grave" under the Criminal Code. Pre-trial detention for most crimes may last as long as 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court did not approve continued detention during a judicial review, the suspect must be released. In practice few pre-trial detainees were held for longer than 2 years. As of September, the average length of pre-trial detention was 81 days. A suspect may petition the appropriate investigating authorities at any time for release from detention.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in

practice; however, structural and procedural deficiencies, as well as a lack of training and resources hampered the effectiveness of the judiciary.

A judicial reform law took effect on April 1 that provides for term limits of 10 years for Constitutional Court judges, a mandatory retirement age of 70 for all judges, and measures to streamline the judicial process. A provision mandating continuing education and evaluation of judges was struck down by the Constitutional Court in July for infringing upon the independence of the judiciary.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. The separate Constitutional Court has final authority for cases concerning the constitutionality of legislation. Under the terms of the new law, the President was the appointing authority for all judges, and judges who had at least 10 years' experience as lawyers were eligible for appointment to the Supreme Court.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants have the right to be informed of their legal rights and of the charges against them, to consult with counsel, and to present a defense. The State provided lawyers for indigent defendants in criminal and some civil cases through the bar association. All defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgments decided against them. However, the lack of experienced police investigators and qualified judges combined with a still-evolving legal environment contributed to a backlog of court cases. As of July, the Ministry of Justice reported that there were 391 judges and 268 prosecutors needed to fill vacant positions; 395 judges and 113 prosecutors had been identified to fill these empty positions and were undergoing training at that time.

The UDV continued to investigate as criminal acts some actions taken by state authorities and the Communist Party during the 1948-1989 Communist regime. The UDV, an independent part of the Czech Police Office of Investigations, was empowered to launch and conduct prosecutions and to propose the filing of suits to State Attorney's offices. As of July, the UDV had launched the prosecution of 171 persons in 84 separate criminal cases. Nine of those were sentenced; five were placed on probation, and four received unconditional sentences, the longest of which was 5 years' imprisonment. Approximately 2,000 investigations were dropped because of the death of suspects or witnesses, various presidential amnesties, or statutes of limitation.

The UDV continued to work with Charles University to prepare "moral trials" to discuss crimes whose perpetrators could not be punished because of their death or a statute of limitation. It targeted primarily cases of torture (see Section 1.c.); border shootings; treason (connected with the 1968 Warsaw Pact invasion of Czechoslovakia); state repression of opponents of the Communist regime; and investigation of Czech authorities whose negligence caused exposure of citizens to hazardous waste from the nuclear accident in Chernobyl. Although the statute of limitations for many of the Communist-era crimes under investigation by the UDV had been set to expire in 2000, in December 1999, Parliament voted to suspend the statute of limitations for serious crimes committed during the Communist regime, enabling the UDV to continue investigating these cases. The Interior Ministry extended the UDV's mandate indefinitely and lengthened the period covered to include 1945-1948.

On July 25, Lubomir Strougal, former Czechoslovak Premier and Interior Minister, was acquitted of charges of interference with murder investigations during the Communist regime to protect members of the secret police.

On September 23, former Communist officials Milos Jakes and Jozef Lenart were acquitted on charges of treason and subversion for their complicity with the Soviet Union following the 1968 Warsaw Pact invasion of Czechoslovakia. In December 2001, charges of treason and subversion were filed against Communist-era judge Pavel Vitek for his role in Communist show trials. His case was pending at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice. Electronic surveillance, the tapping of telephones, and the interception of mail required a court order, and violations were subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals could and did speak out on political topics and freely criticized the Government and public figures.

In separate decisions early this year, the courts rejected both a criminal complaint filed by the Government in November 2001 against Petr Holub, the publisher of the magazine Respekt, and a lawsuit filed by then-Minister of Trade and Industry Miroslaw Gregr. Holub had accused the then Prime Minister of corruption in a 2001 article.

The print media were varied and independent and published without interference by the Government; however, there were restrictions on certain types of propaganda. In addition, the editorial staffs of many newspapers were viewed widely by the public and politicians as favoring certain political parties. There were four national newspapers and two national tabloids, along with numerous regional and local newspapers. There were also many magazines and journals that covered a wide spectrum of topics. Various Czech and foreign investors owned the print media.

The electronic media were independent. There were three national television stations: One public (with two separate channels) and two private, and more than 61 private radio stations, in addition to Czech Public Radio. A third private television station, TV3, ceased operations in January following a protracted battle among its investors over control of the company. The leading television channel, Nova, was privately owned. Citizens also had access to foreign broadcasts via satellite, cable and the Internet. The State funded television and radio programs for Roma on public stations, and also supported Romani publications.

A 13-member Council for Radio and Television Broadcasts had limited regulatory responsibility for policy-making and answered to the parliamentary media committee, which exercised broad oversight of the Council and had to approve its members. The Council could issue and revoke radio and television licenses and monitored programming.

There was also a nine-member Czech Television (CTV) Council charged with oversight of public Television.

In the closely watched case of journalist Zdenek Zukal, Zukal continued to face three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. In December 1999, Zukal was charged with slander for publishing documents he knew, or should have known to be forgeries. One day before a planned presidential pardon, local authorities changed the charge to false accusation. Zukal's trial was delayed when the presiding judge was removed from the case in January for bias, after an appeal to a higher court. The case remained ongoing at year's end.

The Penal Code imposes prison terms of between 6 months and 3 years on persons who denied the Nazi Holocaust or the Communist genocide had taken place. The law also outlawed the incitement of hatred based on race, religion, class, nationality, or other group.

In August 2001, authorities brought charges against a Communist activist for supporting a movement leading to the suppression of citizens' rights and freedoms and inciting panic and criminal slander. The accused had repeatedly called for imposition of a dictatorship of the proletariat, nationalization of industry and capital, and a return to Communist rule. He had also labeled several prominent politicians "criminals and traitors." The case remained pending at year's end.

In September 2001, the Republican Party filed a similar criminal complaint against the League of Ethnic Minorities over a series of public service announcements using humor to discredit far-right and neo-Nazi supporters. The complaint was later dismissed for lack of merit.

A Freedom of Information law provided for freedom of access to information under the control of state and local authorities as well as other institutions, and citizens exercised this right in practice.

Citizens also had access to foreign broadcasts via satellite, cable, and the Internet. The Government did not restrict or monitor access to the Internet.

The law provides for academic freedom, but forbids activities by established political parties at universities.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly, and the Government generally respected this right in practice; however, it may legally restrict assemblies that promoted hatred and intolerance, advocated suppression of individual or political rights, or otherwise jeopardized the safety of participants. Permits normally were required for demonstrations, but police generally did not interfere with spontaneous, peaceful demonstrations.

During the year, skinhead groups organized rallies and protests. In keeping with the Interior Minister's publicly stated displeasure with such events, the police closely monitored skinhead and neo-Nazi activities. The cases of eight persons arrested in May 2001 in connection with a skinhead concert that took place in April of that year were still pending at year's end. Four were accused of "supporting and promoting movements designed to suppress civil rights and freedoms." The other four were accused of "publicly expressing sympathies for fascism" (see Section 5).

The law forbids political party activity of any kind at universities (see Section 2.a.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the Interior Ministry, but there was no evidence that this registration was either coercive or arbitrarily waived.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The State subsidized all religions that were registered officially with the Ministry of Culture. To register, a religious group must have at least 10,000 adult members permanently residing in the country. For any religious group already recognized by the World Council of Churches, only 500 adult members permanently residing in the country were required.

On January 1, the Law on the Freedom of Religious Belief and on the Status of Churches and Religious Societies entered into force. The law creates a two-tiered registration system, establishing the membership requirement for the first tier (non-profit religious association with limited tax benefits) at 300, and setting the membership requirement for the second tier (full religious association with benefit of state funding and property rights) to approximately 10,000. The new law also imposes a 10-year observation period on all first-tier organizations wishing to obtain second-tier status. Under the old law, registered churches groups would automatically receive second-tier status.

Several unregistered religious groups have criticized the law because they believe that it is prejudicial against smaller religions. Some critics also argued that complete registration at the second tier would be difficult to attain due to the 10-year observation period. By year's end, two groups had registered under this new law, and three applications were pending. In November the Constitutional Court issued a decision striking down a part of the law which had barred churches from using the profits from church-owned enterprises for religious activities.

Unregistered religious groups, such as the small Muslim minority, could not own community property legally, although they were otherwise free to assemble and worship in the manner of their choice. Their members could and did issue publications without interference.

Missionaries must obtain a long-term residence and work permit if they intend to remain in the country for more than 30 days.

A small but persistent and fairly well-organized extreme rightwing movement with anti-Semitic views still existed in the country. The Ministry of Interior continued a forceful effort to counter the neo-Nazis, which included increased monitoring of their activities, closer cooperation with police units in neighboring countries, and concentrated efforts to shut down unauthorized concerts and gatherings of neo-Nazi groups.

On June 26, a smoke bomb was thrown through the window of a bookshop in Liberec, where the country's Chief Rabbi was attending a public meeting. No arrests had been made by year's end.

On June 30, vandals defaced a newly unveiled memorial to Jewish victims of the Holocaust in Karlovy Vary. Red paint was sprayed on the memorial and anti-Semitic posters were left at the scene. On July 18, police in Jihlava destroyed dozens of posters bearing neo-Nazi insignia and messages.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice. Since 1997, when over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom, Roma continued to emigrate in significant numbers. During the year, many Roma families in the Ostrava area made public their intention to emigrate. Some Roma activists stated that the motive for the increased emigration was fear of racist violence and discrimination (see Section 3); however, others (including some within the Roma community) believed the Roma were emigrating for economic reasons.

On August 1, the Prime Minister issued an unprecedented call for Roma to remain in the country and work with the Government and majority population to address their economic and social problems.

Continued high numbers of Czech Roma seeking asylum in the United Kingdom during the year led to continuation of pre-inspection controls at Prague's international airport. Roma activists in the United Kingdom criticized the controls as "racist" because they appeared to target Roma.

In July 2001, the Romani Civic Initiative and the Democratic Union of Roma filed a lawsuit with the Czech Constitutional Court against the Government, charging the Government with inciting racial and ethnic hatred. The groups alleged that the selective screenings by British officials at Prague's Ruzyně airport restricted the right to travel for Roma. They also alleged that many Roma had been denied permission to fly to the United Kingdom based on their ethnicity alone since the checks began. The case remained pending at year's end.

Czechs who emigrated during the period of Communist rule frequently returned to visit or live. The law permits these individuals to regain citizenship without having to relinquish the foreign citizenship that they acquired during their absence. The law also provides for former Czechoslovak citizens who have lived in the country since 1993 to reclaim citizenship by simple declaration. Citizenship was not revoked for political reasons.

As of the end of 1999, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries. The new citizenship law passed in September 1999 enabled thousands more Slovaks to become citizens (see Section 5).

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A legal and institutional framework was in place for the processing of requests for refugee and asylee status. A law on asylum that entered into effect in 2000 expedited refugee processing by establishing a list of "safe countries of origin" from which applicants are unlikely to be granted refugee status, providing financial support for towns with refugee camps, and increasing access to legal advice for asylum-seekers. Amendments to the asylum law that took effect in November 2001 expedited the process and made it more difficult for economic migrants to obtain asylum. No independent body had been established to handle the appeals of those denied refugee status. The Government provided first asylum and cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

As of May, 3,260 asylum requests had been processed during the year. Persons from Ukraine, Vietnam, Moldova, Armenia, Georgia, Iraq, Romania, and India submitted the most asylum requests during the first half of the year. In 2001 more than 18,000 requests for refugee status were filed and 83 claims were approved.

The Government fully funded an integration program to assist those granted refugee status in locating housing and receiving other social assistance. Two reception centers, six camps, and six integration centers were provided for recognized refugees. The country was both a transit point and destination for illegal migrants. Migrants from economically disadvantaged countries in Central and Eastern Europe often entered the country to take up illegal residency or to transit to other countries. As of July 1, border guards reported 7,639 illegal entry attempts. A growing concern was the smuggling of large groups of refugees and economic migrants into and across the country. No specific laws criminalize alien smuggling. The number of illegal migrants detained by Czech authorities through September was roughly the same, compared with the same period in 2001. Illegal migrant groups were composed primarily of persons from Romania, Moldova, Ukraine, Afghanistan, India, Iraq, Georgia, Armenia, and Vietnam. A 1999 law on residence and visas tightened considerably previous rules for change of status and extension of stay and required visas in advance for everyone but tourists.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens over the age of 18 were eligible to vote by secret ballot in national, regional, and local elections.

In July the Government of Prime Minister Vladimir Spidla took office. The Government consisted of the Prime Minister's left-of-center Social Democrat party, the centrist Christian Democrat Party, and the center-right Freedom Union Party. The opposition consisted of former Prime Minister Vaclav Klaus' right-of-center Civil Democratic Party and the Communist Party. The Constitution mandates elections to Parliament at least every 4 years based on proportional representation. To enter Parliament, a political party must obtain 5 percent of the votes cast in the election. Coalitions must obtain 5 percent of the votes per party (i.e., a three-party coalition would have to receive 15 percent of the votes cast) to enter Parliament). The President was elected by Parliament and serves a 5-year term. The President has limited constitutional powers, but may veto legislation and return it to the Chamber of Deputies, which then may override that veto by a simple majority of all members.

The law provides for the formation of political parties. Opposition groups, including political parties, functioned openly and participated without hindrance in the political process. Citizens may join political organizations or vote for the political party of their choice without government interference. Political parties must register with the Ministry of the Interior. In November the Interior Ministry registered the National Party following an order of the Supreme Court. The Ministry had previously denied the right-wing party registration because its position did not uphold constitutional principles.

Either the Government or the President may submit a proposal to the Supreme Court calling for a political party to be disbanded.

A citizenship law passed in September 1999 remedied the situation for some individuals (predominantly Roma) who lacked voting and other rights due to restrictions under the previous citizenship laws. These individuals were enfranchised under the former Czechoslovakia, but were unable to obtain Czech citizenship at the time of the split with Slovakia, despite birth or long residency in the Czech Republic (see Section 5). Non-resident Czechs may vote in national elections.

The 1991 "Lustration" (vetting) Law barred many former Communist Party officials, members of the People's Militia and suspected secret police collaborators from holding a wide range of elected and appointed offices, including senior appointed positions in State-owned companies, academia, and the media. In 1995 Parliament extended this legal constraint to 2000, overriding a veto of President Havel. In November 2000, the Chamber of Deputies extended the validity of the law over the veto of President Havel until new civil service and security laws could be passed and implemented. Parliament passed a civil service reform law, which will take effect in January 2004.

The extended law exempted persons born after December 1, 1971 from the lustration process, an exemption not included in the earlier version of the law. Some private employers also required applicants to produce lustration certificates proving non-collaboration. At year's end, the special section of the Interior Ministry handling lustration requests had processed 7,280 lustration certificates. Since the beginning of the lustration process in 1991, approximately 3 percent of applications did not receive confirmation of a clear record. The lustration law remained on the books. Those who did not receive confirmation of a clear record could file a civil suit against the Interior Ministry for a charge similar to slander; however, no such suits were filed during the year. During the year, the European Commission again noted the need to eliminate the law.

The 200 member Chamber of Deputies had 34 female Deputies, including two Deputy Speakers. There were 10 female Senators in the 81-member Senate. The new Government had two female Cabinet members: Petra Buzkova (Minister of Education) and Marie Souckova (Minister of Health). In June Hana Marvanova resigned as head of the Unie Svobody (Freedom Union) party after becoming the first female head of a parliamentary party a year earlier. Slovaks, of whom there were an estimated 300,000, were almost all "Czechoslovaks" who elected to live in the Czech Republic after the split. For the most part, these Slovaks defined their interests in the context of national politics, not along ethnic lines; there was no Slovak party in Parliament. Most of the estimated 150,000-175,000 Roma were not fully integrated into political life (see Section 5). Roma were not united in support of any specific program or set of goals to advance their interests within the political processes of the country. Few Roma served in local government, although some were appointed to advisory positions in government ministries.

Section 4. Governmental Attitude Regarding International Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction,

investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

In 1999 the Government created a \$14 million (500 million Czech crowns) endowment that was being used by 39 NGOs to work on issues of social welfare, health, culture, education, human rights protection, and the environment. In 2000 the Government Council for NGOs announced it was dedicating an additional \$37.5 million (1.5 billion Czech crowns) for organizations focusing on human rights and the environment.

The Human Rights Commissioner served as head of the government Committee for Nationalities, and of the Government Council for Romani Community Affairs, which was established in 1997 (see Section 5). A Council for Human Rights, which consisted of 10 representatives from government ministries and 10 human rights activists, advised the Government on human rights issues and proposed legislation to improve the observation of human rights in the country.

Former Justice Minister Otakar Motejl served as "Public Rights Protector" or Ombudsman. Appointed by the Chamber of Deputies, Motejl, a political independent, addressed citizens' complaints of violations of civil and human rights and freedoms by government entities. By the end of October, the Ombudsman's Office had received 4,619 requests for assistance. The Ombudsman had no legal power to sanction offending individuals or offices, but did provide a means of alternative dispute resolution and often mediated between citizens and government offices.

In each house of Parliament there was a petition committee for human rights and nationalities, which included a subcommittee for nationalities. A government-sponsored Council for Nationalities, which advised the Cabinet on minority affairs, was composed of three Slovak and three Roma representatives; two Polish and German representatives; one Hungarian representative; and one Ukrainian representative. The law on the rights of ethnic minorities provides that ethnic minorities who have "lived in the country traditionally and over a long period of time" have the right to use their native language in interactions with the Government, the provision of voting materials, and in education. There was also a government commission staffed by members of an NGO and journalists that monitored inter-ethnic violence.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the equality of citizens and prohibited discrimination. By law, health care, education, retirement, and other social services were to be provided without regard to race, sex, disability, or social status. However, in practice, Roma faced discrimination in such areas as education, employment, and housing; and women faced discrimination in employment.

Women

The actual extent of violence against women was unknown; however, some experts' studies indicated that it was more common than publicly acknowledged. ROSA, an NGO that provides direct assistance to victims of domestic abuse, estimated that 1 in 10 women in domestic situations were emotionally or physically abused and that 30 percent of the abusers were university-educated. A 1998 study conducted by Prague's Institute for the Study of Human Sexual Behavior indicated that 13 percent of women were raped at some point in their life. The study found that spouses and domestic partners were responsible for 51 percent of rapes, acquaintances committed an additional 37 percent of the rapes, and strangers attacked 12 percent of rape victims.

According to police statistics, there were 500 rapes reported countrywide in 2000. According to the Ministry of Justice, there were 140 convictions for rape throughout the country in 2001. During the year, 503 rapes were reported, and there were 126 convictions for rape. Institute researchers and NGOs estimated that approximately 3.3 to 7 percent of rape victims filed reports with the police. According to experts, both rape and domestic violence were greatly underreported.

There was no legislation specifically addressing spousal abuse; however, the Criminal Code covered other forms of domestic violence. An attack was considered criminal if the victim's condition warranted medical treatment for 7 days or more and caused the victim to miss work. If medical treatment was necessary for less than 7 days, the attack was classified as a misdemeanor and punished by a fine of no more than approximately \$100 (3,000 Czech crowns)--an amount equivalent to approximately one-fourth of the average monthly wage. Repeated misdemeanor attacks did not result in stricter sanctions against the abuser.

Gender studies experts reported that women were ashamed to report or even speak about rape, and that police were neither appropriately trained nor behaved in a helpful manner toward rape victims. The Ministry of the Interior

did run a training program in protocols for investigating family violence and sexual offenses in order to improve police responsiveness and prosecution efforts.

The police also trained some specialized personnel to handle cases of domestic violence. The police did not work regularly with welfare and medical services. However, training materials to help police officers improve the identification and investigation of domestic violence and sexual abuse cases and to help sensitize them in the treatment of victims of abuse were introduced into both the introductory and continuing education curriculums.

The Government maintained a comprehensive awareness and prevention program designed to address problems of trafficking, abuse, and violence against women (see Section 6.f.).

According to Elektra, a crisis center for abused women, rape victims could seek psychological counseling through (a number of hotlines and crisis centers in the country. Crisis centers that offered support to rape victims included the White Circle of Safety, an association for crime victims that provided free psychiatric and legal counseling, and Riaps, a hotline that counseled persons who had suffered some form of abuse. According to NGOs, there were 107 state-supported shelters located in most major cities and towns which took in women who had been raped or abused; NGOs also provided medical and social assistance to women on a local level. According to NGOs, there still were not enough places available in shelters to meet the demand for them.

Public debate about violence against women was rare, despite the efforts of women's groups to focus public attention on the problem. The press occasionally reported on the problems of violence against women and trafficking in prostitutes (see Section 6.f.).

Pimping is illegal; prostitution is not, although local communities have the right to regulate prostitution and enforce restrictions on it. The Interior Ministry estimated that up to 25,000 persons worked in the sex industry during the year. Prostitution and sex shops were prevalent, particularly in the regions bordering Germany and Austria where international vehicular traffic was heaviest. The law prohibited forcing persons into prostitution; however, trafficking in women was a problem (see Section 6.f.).

Sexual harassment was a recognized problem, and the labor law contains a definition of, and prohibition against sexual harassment. The law defines sexual harassment as unwanted, inappropriate, or offensive sexual behavior, the acceptance or rejection of which could be interpreted by the employee being harassed as affecting his or her status in the workplace. Although the law prohibits sexual harassment, studies concluded that approximately one-half of all women have experienced sexual harassment in the workplace.

Women are equal under the law, and in principle women enjoyed equal property, inheritance, and other rights with men. By law women receive equal pay for equal work. Although women constituted roughly half of the labor force, they were employed disproportionately in professions with a lower median salary than were men. Women's median wages lagged behind those of men by approximately 20 percent.

The law bans discrimination based on gender; however, in practice employers remained free to consider gender, age, or attractiveness when making hiring decisions. Amendments to the law in 1999 and 2000 explicitly prohibited employment discrimination based on a variety of factors including gender, race, skin color, sexual orientation, language, religion, health and family status, and repeated offenses were punishable by fines of up to \$33,333 (1 million Czech crowns). Employers often blatantly used factors such as age, gender, and lifestyle in advertising jobs and making employment decisions. The unemployment rate for women exceeded that for men by about one-third (10 percent to 7.8 percent) and a disproportionately small number of women held senior positions.

Children

The Government was committed to children's welfare; it funded programs for health care and basic nutrition, and provides free and compulsory education through age 15 (through age 14 in special schools). Girls and boys enjoyed equal access to health care and education at all levels. Language and cultural barriers frequently impeded the integration of Roma children into mainstream schools. Official estimates indicated that less than 20 percent of the Roma population completed ninth grade, and less than 5 percent completed high school. A significant number of Roma children were transferred at an early age to "special schools" for the mentally ill and "socially maladjusted" after a psychological exam.

According to unofficial government estimates, 60 percent or more of pupils placed in these special schools were Roma children, though less than three percent of the population were Rom. Graduates of the "special schools" were not restricted from attending secondary schools (see Section 5). Some Roma parents did not send their

children to school regularly due to fear of violence, and the expense of books and supplies.

In 1999 12 Roma families filed suit in the Constitutional Court to protest the "de facto segregation" of Roma children into special schools. Although the Constitutional Court rejected the complaint in 1999, an appeal remained pending at the European Court of Human Rights in Strasbourg at year's end.

The Ministry of Education later took steps independently to implement some of the recommended changes. They began work on changes to the psychological exam given to Czech children that many claimed was culturally biased against Roma children. Children were assigned to "special schools" based on poor results on the exam. In January the Education Minister announced a long-term plan to phase out the special schools and mainstream pupils from them into regular classrooms.

Many districts with high concentrations of Roma held yearlong programs (so-called "zero grades") to prepare Roma children for their first year in school; these programs were funded by the Government and administered by local NGOs. More than 100 "zero grades" operated throughout the country. Some districts tracking local Roma students reported that up to 70 percent of the children who attended "zero-grade" training successfully entered and remained in mainstream schools.

In addition, Roma teaching assistants were placed in primary and special schools to help teachers communicate with Roma pupils, and encourage cooperation between schools and Roma parents. According to the Ministry of Education, there were 300 Roma teaching assistants in the school system during the year, an increase from 200 in 2001. Bilingual Romani-Czech language textbooks were used in 60 elementary schools to help overcome the cultural and language differences between Roma children and non-Romani-speaking teachers in the early school years. The Ministry of Education commissioned a textbook for use in schools on the cultural and historical roots of the Roma minority and on successful members of the Roma community. Local NGOs supported additional studies and private initiatives to prepare Roma children for mainstream schools.

In 2000 the Ministry of Justice reported a 6 percent decrease in the number of reported neglect and welfare cases. There were 5,894 in 2000, compared with 6,207 in 1999. Laws criminalize family violence, physical restraint, sexual abuse, and other forms of abuse of minors (the age of majority in the country is 15 years). A Children's Crisis Center established in 1995 was 70 percent state supported. The Fund for Endangered Children estimated that the total number of children suffering from physical, psychological, or sexual abuse was between 20,000 and 40,000, but only about one-tenth of such cases were registered by the police. Between 50 and 100 children died each year from domestic violence.

Sexual abuse of children continued to receive press attention during the year. Press and government reports throughout the year indicated that the country remained a popular destination for pedophiles due to its location and the common misperception of a low risk of sexually transmitted disease (see Section 6.f.). Some experts estimated that the number of visits to the country, primarily from Western Europe, for the purpose of sexually abusing children had increased by 20 percent since 1997.

During the year, the police took measures to prevent this type of "sex tourism" more effectively. Police maintained patrols in high-risk areas, enforced curfew-type policies more actively, and worked to raise public awareness of the issue through the media. Despite increased police efforts, press reports still indicated that in many border regions, sex tourism for the purpose of molesting adolescent minors continued. Dissemination of child pornography in print, or on video, CD-ROM, or the Internet was a criminal act; laws against child pornography were generally enforced (see Section 2.a.). Convictions of sexual abusers of children were reported routinely in the media.

According to NGOs, there were approximately 10,000 children living in institutional settings and 4,000 foster families supported by the Government and various NGOs.

Trafficking in children was a problem (see Section 6.f.)

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in the areas of employment, education, or in the provision of other state services, and there were no reports of such discrimination; however, persons with disabilities suffered disproportionately from unemployment. Businesses in which 60 percent or more of the employees were disabled qualified for special tax breaks and the Government provided transportation subsidies to disabled citizens. Numerous NGOs supported social assistance programs to help level the playing field for persons with disabilities. These NGOs also reported that the situation of persons with disabilities had received more

attention, and had improved over the last few years, although some problems persisted.

Regulations and the Construction Code required architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration; these regulations were applied in practice. However, many buildings and means of public transportation remained inaccessible to those in wheelchairs, although access did improve during the year. In Prague 24 of the 50 metro stations were wheelchair-accessible; however, most of those stations were in the suburbs, and the majority of stations in the city center remained inaccessible. A growing number of bus lines were accessible to persons with disabilities. Tram lines in Plzen were wheelchair-accessible. Access to education was a problem for children with physical disabilities due to the lack of barrier-free access to most public schools, but there is at least one barrier-free school in each district.

In an effort to call attention to the problem of access for persons with physical disabilities, two wheelchair-users filed a complaint with the European Court of Human Rights in February. They alleged that the Government violated the rights of citizens with disabilities by failing to enforce requirements for barrier-free access for persons with disabilities. On June 3, the court ruled that the complaint was inadmissible, and the case was dropped.

National/Racial/Ethnic Minorities

After ethnic Slovaks, the largest minority was the Romani population, officially estimated to number between 150,000 and 175,000. However, in the 2001 census, only 11,716 persons identified themselves as Roma. The census used "self-identification," and it is believed that many persons chose not to identify themselves as Roma for fear of negative consequences. Roma lived throughout the country but were concentrated in the industrial towns along the northern border, where many Roma originally from eastern Slovakia were encouraged to settle in the former homes of "Sudeten" Germans transferred to the West more than 40 years ago. Roma suffered disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease.

Members of skinhead organizations and their sympathizers were the most frequent perpetrators of inter-ethnic violence, particularly against Roma and other "dark-skinned" persons. An estimated 5,000 skinheads were active in the country. Some observers believed that the actual figures were higher. Police registered 452 racially motivated crimes in 2001 (the last full year for which statistics were available). During the last 4 years, registration of "racially motivated or extremist crimes" continued to increase, and reflected police and prosecutors' growing recognition of the ethnic/racial motives for many crimes in the country. Despite these developments, some observers cited judicial inconsistency in dealing with racially and ethnically-motivated crimes as a continuing problem.

On August 2, two Roma were attacked and beaten in Prerov after a waiter refused to serve them and an argument ensued. One of the victims was loaded into a car, driven some distance out of town, and dumped there. Police arrested two men, one of whom was the owner of the bar in which the altercation occurred, and accused them of breach of peace, limiting personal freedom, and violence. The case remained pending at year's end.

On August 9, police in Ostrava arrested a man in connection with a late July attack on two Roma at a gasoline station. The victims were punched, kicked, and beaten with bats as the perpetrator shouted racial epithets. The accused was charged with racially motivated violence, inflicting bodily harm, and disorderly conduct. The case remained pending at year's end.

Several cases from last year remained pending at year's end. These included two men charged in a May 2001 attack on two Algerians and a Taiwanese, two skinheads charged with attacking an Indian medical student in April 2001, a racially motivated attack against a 14-year-old boy in Sternberk, several skinheads and Roma detained for hooliganism in Novy Bor following an April 2001 confrontation, and four skinheads arrested in Ostrava in June 2001 in connection with the stabbing of a Rom.

On March 30, Vlastimil Pechanec was convicted of racially motivated violence for the July 2001 stabbing death of Rom Ota Absolon in the eastern Bohemia town of Svitavy. Pechanec was sentenced to 13 years in prison. On October 17, an appeals court upheld the sentence.

Appeals were denied in the March 2001 convictions of 23 skinheads on charges of racially motivated violence and property damage and organized rioting in a 1999 attack on 60-70 Roma in a restaurant in Ceske Budejovice in which six persons were injured. Six of the 21 were sentenced to a minimum of 18 months in prison, while the remaining 15 were given suspended sentences of 10 to 24 months. Several 2001 cases remained pending at year's end.

During the year, Interior Minister Stanislav Gross continued to state his displeasure with extremist activity and his desire for stronger police action against it, and police continued monitoring and actively investigating such groups and arrested those accused of committing such crimes.

The site of a former Romani concentration camp at Lety continued to be a source of controversy. In 1974 a pig farm was built on the site of the camp; the Roma community and the Human Rights Commission called for its removal.

Roma who wished to integrate into mainstream society faced practical difficulties in the areas of employment and education. Precise figures for unemployment among Roma were unavailable, but the rate was disproportionately high, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refused to hire Roma and asked local labor offices not to send Rom applicants for advertised positions. An amendment to the Labor Code prohibits hiring and employment discrimination based on ethnicity, but no enforcement statistics were available. Under the law, individual Roma do not have the right to file discrimination complaints; such action must come from governmental authorities. The stereotype of Roma was that they were qualified only for low-paying jobs, such as manual laborers, since so few completed secondary education.

Roma also faced discrimination in housing and other areas of everyday life. Despite constitutional prohibitions against discrimination, a framework to implement those provisions in civil law was not incorporated to address specific offenses under the Criminal Code. Some restaurants, pubs, and other public places refuse service to Roma and post signs prohibiting their entry.

A higher-than-average percentage of the Roma population applied for partial or full disability pensions because of the relatively high incidence of serious and chronic illnesses among their population. To a large extent, this situation resulted from lack of access to basic and preventive health care. Some Roma parents refused to allow their children to receive compulsory vaccinations. Some Roma were refused treatment by general practitioners who had full quotas of subsidized patients. NGOs and some health and education professionals working to improve living conditions for the Roma had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves had limited success in organizing their own communities, which often were disunited and suspicious of outsiders.

In a continuation of its Plan for Roma Integration, the Government allocated several million dollars (tens of millions of crowns) at various times throughout the year for projects designed to promote integration of the Roma community. One of the allocations, \$300,000 (9 million crowns) supported an NGO project to create housing in Ostrava for both Roma and members of the majority population. The project was widely acclaimed for its success in breaking down stereotypes and for involving members of the minority and majority populace in the creative and decision-making processes. Other allocations supported construction of community centers and educational assistance to minorities.

The Government Council for Romani Community Affairs, which includes 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy, continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors in towns such as Usti nad Labem and Rokycany. The Commission also promoted positive initiatives in housing, education, and discrimination.

The Ministry of Foreign Affairs' Roma Affairs Coordinator continued to function as the Ministry's liaison with Roma groups, NGOs, and the diplomatic community.

During the year, the Government continued an active effort to identify, train, and recruit qualified Roma to serve in law enforcement. Police trainees continued to attend the national police academy's course in Romani language and culture, designed to improve police officers' communications with and response to the Roma communities in their precincts.

In September the Human Rights Commission's "Project Tolerance," which had been discontinued in 2001 for procedural reasons resumed, with an open-air music festival in Prague. Other events planned as part of the overall program included groups of ethnically-mixed students who traveled to 130 secondary schools to discuss tolerance issues; a program to distribute books about minority issues to 500 libraries throughout the country; and an awareness campaign to highlight the work of grassroots level social workers.

Section 6. Worker Rights

a. The Right of Association

The law provides workers with the right to form and join unions of their own choice without prior authorization, and workers exercised this right in practice. Union membership continued to decline during the year. Most workers were members of unions affiliated with the Czech-Moravian Chamber of Trade Unions (CMKOS). The CMKOS was a democratically oriented, nationwide umbrella organization for branch unions. It was not affiliated with any political party and carefully maintained its independence.

The law prohibits anti-union discrimination. There were no restrictions on trade union contacts with international organizations, and unions developed a wide range of ties with international trade union bodies.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, which generally is carried out by unions and employers on a company basis. The 2002 ICFTU Annual Survey of Trade Union Rights stated that some employers attempted to prevent workers from organizing by means of direct and indirect pressure. Those tactics reportedly included preventing union members from gaining access to company property, offering money in exchange for dissolving union organization within a company, firing union leaders, and refusing to withhold union dues from salaries.

The scope for collective bargaining was more limited for civil servants, whose wages were regulated by law. There were 11 free trade zones. Their workers possessed and practiced the same right to organize and bargain collectively as other workers in the country.

Workers have the legal right to strike, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, fire fighting, and telecommunications. The law requires that labor disputes be subjected first to mediation and that strikes would take place only after mediation efforts failed. There were no major strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (schools for persons with mental disabilities and the "socially maladjusted") may work at the age of 14. Employment conditions for children aged 15 to 18 were subject to strict safety standards. These regulations were enforced in practice.

e. Acceptable Conditions of Work

The Government sets minimum wage standards. The national minimum wage was approximately \$190 (5,700 Czech crowns) per month. The national minimum wage provided a decent standard of living for a worker and family. The monthly average wage was approximately \$488 (14,642 Czech crowns) per month. Average net wages were 2.9 times higher than official subsistence costs.

Government subsidies were available to families with children. Retraining was carried out by district labor offices to provide labor mobility for those at the lower end of the wage scale.

The law provides for a 40-hour work week and requires a paid break of at least 30 minutes during the standard 8 hour workday, and between 4 and 8 weeks of paid vacation, depending on the profession. Subject to the consent of the employee, employers may establish mandatory overtime not to exceed 8 hours per week although the local employment office may permit additional mandatory overtime. The Labor Ministry enforces standards for working hours, breaks, and paid vacation.

The Government, unions, and employers promote worker safety and occupational health standards, but conditions

in some sectors of heavy industry did not meet these standards, particularly those still awaiting privatization.

The situation had improved at year's end, and the Government worked to harmonize its standards with those of the EU. There were 93,289 work-related accidents registered in 2001, compared with the 92,906 registered in 2000. The Office of Labor Safety was responsible for enforcement of health and safety standards. Workers had the right to refuse work endangering their life or health without risking the loss of their employment.

f. Trafficking in Persons

The law prohibits trafficking in persons; however trafficking in women and children for the purpose of sexual exploitation was a problem.

There are other relevant statutes that can be used to prosecute traffickers. The penalties for trafficking are generally commensurate with those for rape and sexual assault. The Government investigated and prosecuted cases of trafficking in persons, although the conviction rates were low. According to police statistics, there were 139 trafficking-related arrests during the year.

Organizing prostitution and pimping are illegal and punishable by a prison term of up to 8 years, with a term of up to 12 years if the victim is under the age of 15. (Adults may be prosecuted for engaging in sexual activity with a minor under the age of 15.) On July 1, changes in the law on child pornography took effect. The definition of child pornography was expanded; circulation, propagation, producing, exporting, transiting and making child pornography available to the public were criminalized; possession of child pornography was criminalized, and a special provision was enacted to cover dissemination of child pornography through mass media, including via the Internet. The Government cooperated extensively with other Central and Eastern European countries, the EU, and the United States during investigation and prosecution of trafficking cases.

The country was a source, transit point, and destination for trafficking in persons. A small number of Czech men were trafficked to the United States for coerced illegal work. Czech women and girls were trafficked to other European countries. Women and girls were trafficked to the country from the former Soviet Union, Africa, Asia, and the Middle East. Women from Moldova, Romania, Bulgaria, Ukraine, and the Balkan countries were trafficked to and through the country--to other European countries and the United States--to work as prostitutes. There was some evidence that a small amount of trafficking of Czech women and children for prostitution took place within the country from areas of low employment to border areas with Germany and Austria. The full extent of trafficking in children was unknown; however, convictions for sexually assaulting children were reported routinely in the media (see Section 5).

Trafficked women were offered jobs as models, maids, waitresses, and dancers, then forced into prostitution. Once in a destination country, traffickers withheld the victims' travel documents and used isolation, violence, threats of violence, and the threat of arrest and deportation to ensure compliance. Most traffickers were members of organized crime groups. Such groups were from Russia, Bulgaria, former Yugoslavia, and East Asia who worked in cooperation with individual Czechs, Slovaks and, less often, Austrians and Germans.

The Czech Police Organized Crime Division included a Unit on Trafficking in Persons, established in 1995, which cooperated with other nations to enforce these laws. A school curriculum package was introduced in schools across the country in 2001 to educate minors about trafficking.

Police maintained close contact with the IOM and other NGOs in order to provide services to women after trafficking arrests. Foreign victims of trafficking were treated as illegal immigrants and either detained or asked to leave the country within 30 days; however, foreign victims also could be offered temporary residence if they agreed to testify against a trafficker. Those detained were sometimes deported, but more often were eventually released and ordered to depart the country within 30 days.

The Government did not provide direct assistance to victims, but did refer them to NGOs that provided such assistance. The Government provided funding to some of these NGOs. "La Strada" was the primary domestic NGO providing services and awareness campaigns to young girls and women who might have become or were victims of trafficking. Czech citizens who were trafficked to other countries often could not receive government assistance upon their return, because their identity documents were stolen or taken by the traffickers. Returnees also frequently were hesitant to go to their families or public social service providers for help because of the stigma attached to having been trafficked.